FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.373 OF 2006

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.J.A.Udaipuri for the petitioner.

Mr.S.S.Pednekar APP for the State.

Coram : R.S.Mohite,J

Date : 24.2.2006.

PC

1. This is a petition impugning an order issuing process which has been confirmed in a revision. I have perused the complaint. There are clear averments in the complaint which indicate that a false, baseless and malacious complaint was initiated against the respondent no.2 and her son out of a grudge. The allegation was made pertaining to theft of a car. Initially, matter was investigated and 'A' summary was filed indicating that the complaint of theft was true but the criminals could not be traced.

Not being satisfied with this, the petitioner filed a private complaint and obtained an order under section 156(3). In this investigation no charge-sheet was filed by the police and in fact the police have made some comments to the effect that the case was baseless and false. Nodoubt, these comments were quashed by this Court. However, that by itself, would not indicate that the complaint was true particularly as the High Court dismissed the Writ petition challenging the complaint on the footing that there was no material against the persons against whom allegations were made. It was sought to be argued that the case of the petitioner was covered by the 8th exception. That is a matter of defence and cannot be made a basis for quashing of an order issuing process. In the circumstances, petition is dismissed. The Advocate for the petitioner states that he would like to move the Apex Court. In

the circumstances, it is directed that the trial may not proceed for a period of 3 weeks from today.

(R.S.Mohite,J)